



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

MAIL

SEP 02 2005

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

**DECISION ON PETITION
TO WITHDRAW HOLDING OF
ABANDONMENT**

THE ECLIPSE GROUP
10453 RAINTREE LANE
NORTHRIDGE CA 91326

In re Application of
Douglas R. Pulley, et al.
Application No. 09/617,587
Filed: July 18, 2000
For: **RECEIVER CIRCUIT**

This is a decision on the Petition for Withdrawal of Abandonment pursuant to 37 C.F.R. § 1.181(a), filed August 23, 2005. No fee is required.

This application was held as abandoned for failure to timely respond to the non-final Office action mailed on November 10, 2003. A Notice of Abandonment was mailed June 4, 2004. It is noted that the subject petition was filed more than 2 months following the mailing of the Notice of Abandonment.

Petitioner alleges that the non-final Office action was not received. To support the assertion, the attorney of record submits a statement to that effect.

The showing required to establish the failure to receive an Office communication must include a statement from the practitioner stating that the Office communication was not received by the Practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. See "Withdrawing the Holding of Abandonment When Office Actions Are Not Received", 1156 Official Gazette 53 (November 16, 1993) and M.P.E.P. § 711.03(c). The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office communication may have been lost after receipt rather than a conclusion that the Office communication was lost in the mail.

Petitioner has not fully complied with the requirements set forth above. Petitioner has provided the required statements, but the petition fails to include a copy of the docket records.

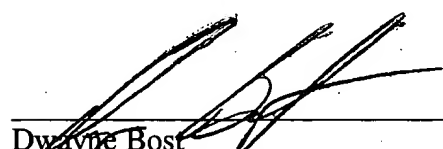
However, a review of the application record reveals that a power of attorney and change of address request was submitted to the Office on October 24, 2003, prior to the mailing of the Office action of November 10, 2003. However, it does not appear as though the change of address request was processed given that the non-final Office action and the Notice of Abandonment was mailed to the previous address of record. On November 30, 2004, a further change of address request was received and processed by the Office.

Given the fact that there was a request for correspondence address change prior to the mailing of the non-final Office action and prior to the mailing of the Notice of Abandonment, there was an obvious irregularity in the mailing of the Office communication.

Thus, the application was not abandoned in fact. Accordingly, the holding of abandonment is withdrawn.

The petition is **GRANTED.**

Given the original mailing date of the non-final Office action, the application will be returned to the examiner for updates as appropriate and generation of a new Office action. The time period for response will be restarted from the mail date of the new Office action.



Dwayne Bost
Special Program Examiner
Technology Center 2600
Communications